

Section III:
AMENDMENT UNDER 37 CFR §1.121 to the
DRAWINGS

No amendments or changes to the Drawings are proposed.

Section IV:
AMENDMENT UNDER 37 CFR §1.121
REMARKS

Summary of the Interview

We appreciate Examiner Graham's time and consideration in the telephone interview held today, February 9, 2009, with myself, applicants' agent. We began by explaining the intent of our previous amendment to further define and clarify in our claims that our invention provides consoles to a trader, where the trader is a third-party in an action. The trader console is disposed between an offeror (or "broker") console and a plurality of bidder consoles. Thus, a three-layer (broker-trader-bidder) auction is established in which the trader resells items which were originally purchased from the broker, reselling them to one or more bidders. Therefore, two buying and selling actions are created -- a first from the broker to the trader, and a second from the trader to the broker -- which does not occur in a typical two-layer auction without an intermediary trader.

We then pointed out where in our amendment to the claims in the last reply this was meant to be claimed -- e.g. the amendment of the phrase ". . . intermediary third party user communicably disposed between a bidder user and an offeror user . . . ", and related changes.

Next, we reviewed Miller's disclosure regarding their Figure 2, and discussed whether or not their arbiter (#110) constituted a third party intermediate between their requesters and their sources. Their arbiter does not buy or sell anything, but instead awards "winners" of bandwidth, which is more analogous to an auctioneer in an auction, but is not the same as an intermediary trader in a three-level auction as we have described and claimed.

It was agreed upon in the interview that the following changes would be sufficient to overcome the present rejections over Miller in view of Goldberg:

- (a) amend the claims to refer to "user consoles" in place of references to human users;
- (b) define a trader as a user who buys then resells the offered goods or services because Miller and Goldberg are silent regarding any parties in their arrangements reselling anything; and
- (c) amend the language of the claims to avoid "for <verb>" or "configured to <verb>", and to recite actual functions of each element.

We appreciate the Examiner's time and suggestions, and we have adopted those changes in the present reply.

Rejections under 35 U.S.C. §103(a)

With respect to the rejections over Miller in view of Goldberg, we respectfully disagree and traverse each and all reasons for rejection. We respectfully maintain our arguments regarding these references as stated in our previous replies to the Examiner.

Please see the foregoing summary of the interview for a discussion of why our claims distinguish over the proposed Miller and Goldberg combination. Please also note that the rationale for the rejections provided in the Office Action referred to and analyzed the claims in their state before the previous amendment (filed on November 7, 2008), and it did not cite where or how Miller in view of Goldberg rendered our amended claims obvious.

New Claims

The new claims presented are directed towards method and computer readable medium embodiments of our invention corresponding to the system claims previously presented.

Request for Indication of Allowable Subject Matter

We believe we have responded to all grounds of rejection and objection, but if the Examiner disagrees, we would appreciate the opportunity to supplement our reply.

We believe the present amendment places the claims in condition for allowance. If, for any reason, it is believed that the claims are not in a condition for allowance, we respectfully request constructive recommendations per MPEP 707.07(j) II which would place the claims in condition for allowance without need for further proceedings. We will respond promptly to any Examiner-initiated interviews or to consider any proposed examiner amendments.

Respectfully,

A handwritten signature in black ink that reads "Robert Frantz". The signature is written in a cursive, flowing style. It is flanked by two large, stylized forward slashes (/) on either side, making it look like a signature block or a decorative element.

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